

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AASIR AZZARMI,

Plaintiff,

v.

ANN MARIE DONNELLY; “BO”
JOHNSON, MELISSA SALCEDO; DOES 1-
10,

Defendants.
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ORDER

21-CV-12 (WFK) (LB)

WILLIAM F. KUNTZ, II, United States District Judge:

On December 10, 2020, Aasir Azzarmi (“Plaintiff”), also known as Nicholas Pimentel, filed this *pro se* action asserting claims under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971) (“*Bivens*”) and the Religious Freedom Restoration Act (“RFRA”). By order dated January 20, 2021, the complaint was dismissed but Plaintiff was “afforded thirty days leave to file an amended complaint if he can, in good faith, assert a RFRA claim against an individual federal officer.” ECF No. 8 at 10–11. By Order dated March 3, 2021, the Court denied Plaintiff’s motion for reconsideration of the January 20, 2021 Order.

Plaintiff has not filed an amended complaint within the time allowed. However, given his *pro se* status, his assertion in his motion for reconsideration that he did not receive the Court’s January 20, 2021 Order until February 10, 2021, ECF No. 9 at 4, and in an abundance of caution, Plaintiff is afforded an additional 30 days’ leave in which to file an amended complaint setting forth a plausible RFRA claim against an individual federal officer as directed in the

Court's January 20, 2021 Order. If Plaintiff chooses to file an amended complaint, he must do so within 30 days of this Order.

If Plaintiff fails to submit an amended complaint within 30 days or if the amended complaint does not comply with the January 20, 2021 Order, judgment dismissing this action shall be entered.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is respectfully requested to mail a copy of this Order to Plaintiff and note the mailing on the docket.

SO ORDERED.

s/ WFK

HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: March 8, 2021
Brooklyn, New York